

**LOCAL LAW # 1 OF 2016: TO AMEND LOCAL LAW #2 OF 2012 OF THE VILLAGE
OF AURORA REGARDING
THE APPOINTMENT OF ALTERNATE MEMBERS TO THE MUNICIPAL
PLANNING BOARD AND ZONING BOARD OF APPEALS, TO INCLUDE THE
COMMUNITY PRESERVATION PANEL**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE
OF VILLAGE OF AURORA, COUNTY OF CAYUGA, AS FOLLOWS:

Section 1. Enactment

Pursuant to Section 10 of the Home Rule Law, the Village Law and the Village Code of the Incorporated Village of Aurora, County of Cayuga, State of New York, hereby enacts by this Local Law # 2 of 2012, a Local Law of the Incorporated Village of Aurora.

Section 2. Legislative Intent

It is the purpose and intent of this local law to promote and protect the health, safety and welfare of the residents of and visitors to the Village of Aurora; to preserve, protect and enhance the environment and aesthetic assets of the Village of Aurora, including the environmentally sensitive areas within the boundaries of the Village; and to safeguard the value of public and private property with the Village of Aurora by authorizing the Village of Aurora to appoint Alternate Members of the Planning Board, Community Preservation Panel, and Zoning Board of Appeals as may be deemed applicable and/or appropriate by the Village Board of Trustees.

Section 3. Background

The Planning Board, Zoning Board of Appeals, and Community Preservation Panel for the Village of Aurora each consist of five (5) Members. It is sometimes difficult for the Planning Board, the Zoning Board of Appeals or the Community Preservation Panel to maintain a quorum sufficient to address various issues, including those for which the law may require a super-majority vote, due to illness, extended vacation(s) or conflict(s) of interest on specific matter before said boards. In such instances, official business cannot be effectively conducted which may delay or impede adherence to required timelines or cause hardship(s) to applicants or appellants, as the case may be. The use of Alternate Members in such instances is hereby deemed advisable and authorized pursuant to the provisions of this Local Law.

Section 4. Definitions

A. "Planning Board" means the Planning Board of the Village of Aurora, County of Cayuga as established by the Village Board by local law or ordinance, pursuant to the provisions of Section 7-718 of the Village Law.

B. "Zoning Board of Appeals" means the Zoning Board of Appeals of the Village of Aurora, County of Cayuga as established by the Village Board by local law or ordinance, pursuant to the provisions of Section 7-712 of the Village Law.

C. “Community Preservation Panel” means the Community Preservation Panel of the Village of Aurora, County of Cayuga as established by the Village Board by local law or ordinance pursuant to 96-a General Municipal Law of the State of New York.

D. “Member” means an individual appointed by the Mayor and approved by the Village Board of Trustees to serve on the Village Planning Board, the Village Zoning Board of Appeals or the Village Community Preservation Panel pursuant to the provisions of the local law or ordinance which first established such Planning Board, Zoning Board of Appeals, and Community Preservation Panel.

E. “Alternate Member” means an individual appointed by the Mayor and approved by the Village Board of Trustees to serve on the Village Planning Board, Village Zoning Board of Appeals or the Village Community Preservation Panel when a regular member is unable to participate on an application or matter before the respective board, as provided herein.

Section 5. Authority, Supersedure & Effect

A. This local law is adopted pursuant to the provisions of Section 10 of the Municipal Home Rule Law and Section 10 of the Statue of Local Governments. It is the intent of the Village Board of Trustees, pursuant to Municipal Home Rule Law, to supersede the provisions of Village Law Section 7-712 with respect to the appointment of members to the Zoning Board of Appeals, and Village Law Section 7-718 with respect to the appointment of members to the Planning Board. The Village Board of Trustees of the Village of Aurora hereby enacts this Local Law to provide a process for appointing Alternate Members to the Planning Board, Zoning Board of Appeals, and Community Preservation Panel. These individuals would serve when members are absent or unable to participate on an application or matter before the respective Board.

B. (1). Alternate Members of the Planning Board shall be appointed by the Mayor of the Village of Aurora, which appointment(s) shall be subject to the approval of the Village Board of Trustees. Each Alternate Member shall be appointed for a term of five (5) years.

(2). Alternate Members of the Zoning Board of Appeals shall be appointed by the Mayor of the Village of Aurora, which appointment(s) shall be subject to the approval of the Village Board of Trustees. Each Alternate Member shall be appointed for a term of five (5) years.

(3). Alternate Members of the Community Preservation Panel shall be appointed by the Mayor of the Village of Aurora, which appointment(s) shall be subject to the approval of the Village Board of Trustees. Each Alternate Member shall be appointed for a term of five (5) years.

C. The chairperson of the Planning Board, Village Zoning Board of Appeals, or Community Preservation Panel may designate an alternate to substitute for a Member when such Member is unable to participate on an application or matter before the Board. When so designated, the Alternate Member shall possess all the powers and responsibilities of such

member of the Board. Such designation shall be entered into the minutes of the initial Planning Board, Zoning Board of Appeals or Community Preservation Panel meeting at which the substitution is made.

D. All provisions of state law relating to Planning Board/Zoning Board of Appeals/Community Preservation Panel member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law/local ordinance relating to training, continuing education, compensation and attendance, shall also apply to Alternate Members.

Section 6. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 7. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.